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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

SHEREE SLAUGHTER

CIVIL ACTION NO.: 05-1812

VERSUS

JUDGE DOHERTY

ERNEST BILLIOT, *individually & as a Police  
Officer for Jeanerette City Police, et al*

MAGISTRATE JUDGE METHVIN

**MEMORANDUM RULING**

Currently pending before this Court is a Motion to Dismiss Pursuant to Rule 12(b)(2) [Doc. 16], filed on behalf of the Jeanerette Police Department.

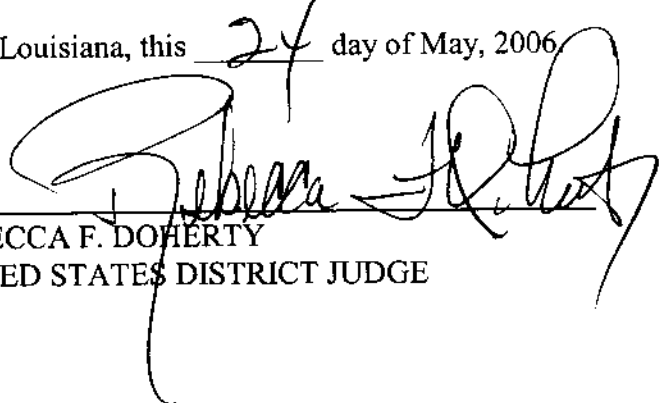
The Jeanerette Police Department seeks dismissal of plaintiff's claims against it on the basis that it is not a juridical person and, therefore, does not have the capacity to be sued.<sup>1</sup> Defendant also seeks an order commanding plaintiff to amend her First Complaint for Damages to delete reference to the "JEANERETTE POLICE DEPARTMENT" as a separate, independent and distinct juridical person. Plaintiff has not opposed the motion. Therefore, the Motion to Dismiss Pursuant to Rule 12(b)(2), appearing to be well-founded in law and fact and being unopposed by the plaintiff, and for the reasons stated in the Court's previous ruling [Doc. 13], is hereby GRANTED. All claims against the Jeanerette Police Department are DISMISSED WITH PREJUDICE. Furthermore, plaintiff is

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<sup>1</sup> The Jeanerette Police Department previously filed a similar motion [Doc. 4] which was denied due to defendant's failure to carry it's burden of proof. (See memorandum ruling [Doc. 13]).

ORDERED to amend her First Complaint for Damages to delete reference to the "JEANERETTE POLICE DEPARTMENT" as a separate, independent and distinct juridical person.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 24 day of May, 2006



REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE